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OFFICE OF PETITIONS

In re Application of	:	
Kubler, et al.	:	
Application No. 10/801,472	:	ON PETITION
Filed: March 16, 2004	:	
Attorney Docket No. 14364US12	:	

This is a decision on the papers styled, "Petition Under 37 CFR 1.182 Response To Notice Of Omitted Item(s) In A Nonprovisional Application," filed July 19, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of March 16, 2004, including page 122 of the specification.

The application was filed on March 16, 2004. However, on June 2, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s) In A Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but page 122 of the specification appears to have been omitted.

In response, on July 19, 2004, the instant petition and a copy of page 122 of the specification were submitted. The petition was accompanied by a copy of applicant's postcard receipt that acknowledges receipt of three hundred twenty (320) pages of specification on March 16, 2004. A review of the application file indicates the presence of three hundred nineteen (319) pages of specification. It is assumed that page 122 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee, submitted March 16, 2004, will be refunded to deposit account no. 13-0017.

This application will be returned to OIPE for further processing with a filing date of March 16, 2004, using the copy of page 122 of the specification, supplied on July 19, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

A handwritten signature in dark ink, appearing to read 'EJ Tannouse', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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